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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SHELEHEDA, JAMES R

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/742,621	Applicant(s) JOHNSON, CAROLYNN RAE	
	Examiner James Sheleheda	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-9 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-9 and 12-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02/28/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/10/05 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 5, 7-9, 12 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wehmeyer et al. (Wehmeyer) (5,867,226) (of record), in view of Arai et al. (Arai) (US2002/0073425) (of record).

As to claim 1, Wehmeyer discloses a method of processing program guide information (column 3, lines 16-25), comprising the steps of:

recording viewing statistics (column 2, lines 33-40 and Fig. 2) based on topics (column 2, lines 41-50);

entering user processing request information (column 3, lines 16-25);

processing program guide information (Fig. 5, step 520; column 3, lines 16-25, column 4, lines 63-67 and column 5, lines 1-6) based on entered user processing request information (wherein the search is performed upon a user's request; column 3, lines 16-25) and the viewing statistics (wherein the search is based upon the viewed item list; column 3, lines 21-25 and Fig. 5, step 520).

While Wehmeyer discloses displaying the processed result (column 3, lines 21-25 and Fig. 5, steps 530 and 535), matching the topics in the recorded viewing statistics (wherein the result is based upon stored list; column 3, lines 21-25 and Fig. 5, step 520), wherein when one program in a time slot is highlighted (see Arai at column 2, lines 21-24), other programs in that time slot will be then displayed (see Arai at Figure 1; and wherein other programs for other channels in the timeslot are clearly displayed when Zulu is highlighted), he fails to specifically disclose displaying the result in a dedicated channel, wherein the processed result includes at least two programs in a first time slot, only one of the at least two programs is displayed in the first time slot under the dedicated channel and wherein others of the at least two programs are displayed.

In an analogous art, Arai discloses a receiving apparatus (Fig. 1) which will process an EPG to find a viewer's preferred programming (paragraph 106), wherein the result includes at least two programs in a time slot (Fig. 6, paragraph 112) and wherein one result will then display the information in a dedicated channel (Fig. 6, My Channel 1; paragraph 109 and paragraph 112) and wherein the other result is also displayed in

another channel (Fig. 6, My Channel 2; paragraph 109 and 112) for the benefit of allowing a viewer to find and watch preferred programming without the need to repeatedly change channels (paragraph 116).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Wehmeyers's system to include displaying the result in a dedicated channel, wherein the processed result includes at least two programs in a first time slot, only one of the at least two programs is displayed in the first time slot under the dedicated channel and wherein others of the at least two programs are displayed, as taught by Arai, for the benefit of eliminating the need for a viewer to repeatedly changed channels while utilizing an EPG to find and watch programming.

As to claim 8, Wehmeyer discloses a system for processing program guide information (column 3, lines 16-25), comprising:

a **user controller** (Fig. 4; remote 450R and column 2, lines 21-24) for entering user processing request information (column 3, lines 16-25);

a **microprocessor** (Fig. 4, micro 415R) for **recording** viewing statistics (column 2, lines 33-40 and Fig. 2) based on topics (column 2, lines 41-50) and for **processing** (column 4, lines 17-19 and lines 53-62) program guide information (Fig. 5, step 520; column 3, lines 16-25, column 4, lines 63-67 and column 5, lines 1-6) based on entered user processing request information (wherein the search is performed upon a user's request; column 3, lines 16-25) and the viewing statistics (wherein the search is based upon the viewed item list; column 3, lines 21-25 and Fig. 5, step 520).

While Wehmeyer discloses wherein said microprocessor causes the displaying of the processed result (Fig. 5, column 4, lines 63-67 and column 5, lines 1-6), matching the topics in the recorded viewing statistics (wherein the result is based upon stored list; column 3, lines 21-25 and Fig. 5, step 520), wherein when one program in a time slot is highlighted (wherein a user may navigate and highlight any displayed program; column 2, lines 10-24), other programs in that time slot will be then displayed (wherein other programs for other channels in the timeslot are clearly displayed when Zulu is highlighted; Fig. 1), he fails to specifically disclose displaying the result in a dedicated channel, wherein the processed result includes at least two programs in a first time slot, only one of the at least two programs is displayed in the first time slot under the dedicated channel and wherein others of the at least two programs are displayed.

In an analogous art, Arai discloses a receiving apparatus (Fig. 1) which will process an EPG to find a viewer's preferred programming (paragraph 106), wherein the result includes at least two programs in a time slot (Fig. 6, paragraph 112) and wherein one result will then display the information in a dedicated channel (Fig. 6, My Channel 1; paragraph 109 and paragraph 112) and wherein the other result is also displayed in another channel (Fig. 6, My Channel 2; paragraph 109 and 112) for the benefit of allowing a viewer to find and watch preferred programming without the need to repeatedly change channels (paragraph 116).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Wehmeyers's system to include displaying the result in a dedicated channel, wherein the processed result includes at least two programs in a

first time slot, only one of the at least two programs is displayed in the first time slot under the dedicated channel and wherein others of the at least two programs are displayed, as taught by Arai, for the benefit of eliminating the need for a viewer to repeatedly changed channels while utilizing an EPG to find and watch programming.

As to claims 2 and 9, Wehmeyer and Arai disclose wherein the step of displaying processed result in a dedicated channel further comprising the step of first arranging the processed result into respective time slots (See Arai at Figures 3 and 4; paragraphs 109 and 111; wherein only one program is selected per channel for a given time period).

As to claim 5, Wehmeyer and Arai disclose wherein the step of entering user processing request information comprises selecting a request for suggesting a program (see Wehmeyer at Fig. 6a and column 3, lines 16-25 and column 5, lines 11-15).

As to claims 7 and 14, Wehmeyer and Arai disclose wherein the dedicated channel is displayed along with other channels in a program guide (see Arai at Fig. 6).

As to claim 12, Wehmeyer and Arai disclose wherein the entering user processing request information comprises a request for suggesting a program (see Wehmeyer at Fig. 6a and column 3, lines 16-25 and column 5, lines 11-15).

As to claims 15 and 18, Wehmeyer and Arai disclose wherein the statistic of a topic is the number of times the topic has been viewed (see Wehmeyer at Fig. 2 and column 2, lines 41-47).

As to claims 16 and 19, Wehmeyer and Arai disclose wherein the statistic of a topic is the number of times the topic has been viewed (see Wehmeyer at Fig. 2 and column 2, lines 41-47) more than a predetermined time period (wherein the program must be watched for 5 or more minutes; see Wehmeyer at column 2, lines 33-40).

As to claims 17 and 20, Wehmeyer and Arai disclose wherein the dedicated channel is always displayed at a predefined position in the program guide (wherein the displayed dedicated channel must be at some predefined position; see Arai at Fig. 6).

4. Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wehmeyer and Arai as applied to claims 1 and 8 above, and further in view of Schein et al. (Schein) (6,133,909).

As to claims 6 and 13, while Wehmeyer and Arai disclose entering user processing request information (see Wehmeyer at Fig. 6a and column 3, lines 16-25 and column 5, lines 11-15), they fail to specifically disclose wherein the user request comprises selecting a search of program guide information based on user-entered text.

In an analogous art, Schein discloses a computer system (Fig. 1) for recommending programming (column 2, lines 18-23) wherein an EPG is searched

based upon words or characters entered by a user (column 13, lines 21-48) for the benefit of allowing a user to search a program guide using any type of information relevant to a particular program (column 13, lines 10-20).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Wehmeyer and Arai's system to include wherein the user request comprises selecting a search of program guide information based on user-entered text, as taught by Schein, for the benefit of allowing a user to search a program guide for preferred programming using any type of information relevant to a particular program.

Response to Arguments

5. Applicant's arguments filed 01/10/05 have been fully considered but they are not persuasive.

a. In response to applicant's general statements that the combination of Wehmeyer and Arai fail to disclose or suggest that a processed result includes at least two programs in a first time slot, only one of the at least two programs is displayed in the first time slot under the dedicated channel, and when the one of the at least two programs is highlighted, others of the at least two programs are also displayed, as recited in amended claim 1, see the rejections above.

b. On page 6, of applicant's response, applicant argues that the other programs in Fig. 1 of Wehmeyer are not included in a processed result from processing program guide information based on user entered processing request.

In response, as indicated in the rejections above, Wehmeyer disclosed, in regards to highlighting, that when any program in the guide is highlighted, the other channels/programs in the program guide are still displayed. Arai is relied upon to teach displaying one processed result in the dedicated channel and displaying other results at the same time. Any highlighting of any one of these programs in the dedicated channel would not interfere with the displaying of the other programs.

More specifically, the current claim language doesn't state that highlighting a program in the dedicated channel **directly results** in the display of the other programs. It merely recites that when the program is highlighted, others are also displayed.

c. On pages 6 and 7 of applicant's response, applicant argues that "Even assuming that the channel, CINE, that includes the highlighted program ZULU, is the dedicated channel in Arai, the other programs are not programs arranged in the dedicated channel at the same time slot as the program ZULU."

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant

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relies (i.e., the other programs are not programs arranged in the dedicated channel at the same time slot as the program ZULU) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

More specifically, the claim merely states that the other programs are also displayed. There is no specific requirement for the programs to be displayed *in the dedicated channel* at the same time slot. As shown in Fig. 6 of Arai, "My Channel 1", displays program (10) from 15:00 to 16:00. The additional program result (6) for the same time slot is displayed in a second dedicated channel "My channel 2". This clearly meets the claim limitations.

Conclusion

6. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Art Unit: 2614

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703)_____ - _____ on _____.
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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (571) 272-7357. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Sheleheda
Patent Examiner
Art Unit 2614

JS

A handwritten signature in black ink, appearing to read 'J. Miller', with a long horizontal stroke extending to the right.

JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600